

Applicants' remarks and amendments, filed on June 15, 2009, have been carefully considered. No claims have been canceled; new claims 65-80 have been added.

Claims 3, 9-14, 19, 43-49, 54, 59, and 64-80 remain pending in this application.

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The Oath/Declaration attempts to claim foreign priority benefits for WO 2005-001967, which is the published form of PCT/US2004/017333 (of which the instant application is the national stage entry).

Withdrawn Rejections

The 112(2) rejection of claims 12-14 stated in the previous Office Action has been withdrawn in view of Applicants' amendment to claim 12, which has been rewritten in independent form.

The 102(b) rejection of claims 3 and 44-48 as being anticipated by Schmidt (U. S. Patent No. 6,309,758), stated in the previous Office Action has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

The weight percentages of Schmidt, when converted to atomic percentages, do not meet the limitations of the instant claims with respect to the required atomic percentage of platinum.

The 103(a) rejection of claims 19, 43, 49, 54, 59, and 64 as being unpatentable over Schmidt (U. S. Patent No. 6,309,758) in view of Narayan et al. (U. S. Patent No. 4,717,774) and Capuano et al. (U. S. Patent No. 5,126,216, Applicants' previously submitted art), stated in the previous Office Action, has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Fleischut on October 13, 2009.

The application has been amended as follows:

a. In each of claims 3, 19, 43, 49, 54, 59, and 64, please delete the phrase "at least about 1 atomic" and insert therefor the phrase --at least about 2 atomic--.

b. Please cancel claims 65, 67, 69, 71, 73, 75, 77, and 79.

Allowable Subject Matter

2. Claims 3, 9-14, 19, 43-49, 54, 59, 64, 66, 68, 70, 72, 74, 76, 78, and 80 are allowed.

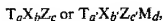
Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a catalyst comprising platinum, chromium, copper, and nickel, wherein the concentration of platinum is at least about 2 atomic percent and less than 40 atomic percent.

The prior art also does not teach or suggest a catalyst comprising the aforementioned components, in atomic percentage ranges as recited in claims 9-12, 19, 43, 49, 54, 59, and 64.

In addition to the cited references of record, Kudo et al. (U. S. Patent No. 4,668,310) teach amorphous alloys having a compositional formula of:



wherein

T is at least one of Fe, Co and Ni,
X is at least one of Zr, Ti, Hf and Y,
Z is at least one of B, C, Si, Al, Ge, Bi, S and P,
a is 70-98 atomic %,
b is not more than 30 atomic %,
c is not more than 15 atomic %,
sum of a, b and c is 100 atomic %,
M is at least one Mo, Cr, W, V, Nb, Ta, Cu, Mn, Zn,
Sb, Sn, Be, Mg, Pd, Pt, Ru, Os, Rh, Ir, Ce, La, Pr,
Nd, Sm, Eu, Gd, Tb and Dy,
a' is 70-98 atomic %,
b' is not more than 30 atomic %,
c' is not more than 15 atomic %,
d is not more than 20 atomic %, and
sum of a', b', c' and d is 100 atomic %.

As can be seen from the above formula $T_aX_bZ_cM_d$, although M can be Cr, Pt, and Cu, the atomic percentage of $T_{a'}$ (when T is Ni), is outside of the claimed atomic percentage ranges for nickel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA L. HAILEY whose telephone number is (571)272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICIA L. HAILEY/
Primary Examiner, Art Unit 1793
October 13, 2009